S.B. CIVIL WRIT PETITION NO.1564/1995.
(LEELADHAR VS. STATE & ORS.)

DATE OF ORDER : 09.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Dilip Kawadia for the petitioner/s.
Mr. Shyam Ladrecha, AGA, for the respondent/s.

A criminal case was registered against the petitioner at the instance of one Smt. Vidhya @ Sapna contemplating the offences under Sections 366 and 376 IPC. The case was ultimately committed to the Sessions Court, Rajsamand and the charges were framed against the petitioner. The respondents at the same time also initiated the disciplinary proceedings against the petitioner under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958. The Enquiry Officer summoned prosecutrix Smt. Vidhya @ Sapna to depose her statement in the disciplinary proceedings, therefore, the petitioner preferred this petition for writ seeking a direction for respondent no.3 i.e. the Dy. Superintendent of Police (Enquiry Officer) not to proceed with the enquiry till decision of the criminal case or in alternative till recording of the statement of prosecutrix Smt. Vidhya @ Sapna in criminal case.

This Court by the order dated 24.05.1995 issued notices to show cause to the respondents. In response thereto, a reply has been filed on their behalf.

This petition for writ was listed for admission on 15.09.1997. An interim order was passed by this Court on 24.05.1995 leaving it open for the respondents to proceed with the enquiry restraining from passing the final order. The order dated 24.05.1995 also came to be modified on 15.11.1997 by giving permission to the respondents to proceed with the disciplinary enquiry finally.

It is informed that the Sessions Case no.111/94 in which the petitioner was facing trial for the offence under Section 376 IPC stood decided on 03.03.1997 and the petitioner has been acquitted.

In view of the fact that the sessions case concerned has already been decided, nothing survives in the matter. The petition for writ, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/